McGeorge Law Review

Volume 36
Issue 4 *Tribute to Robert K. Puglia, Late Presiding Justice of the California Court of Appeal, Third Appelate District*

Article 23

1-1-2005

Employment / Chapter 933 Sexual Harassment: Training and Education

Julia Blair

Chapter 933: Sexual Harassment: Training and Education

Julia Blair

Code Section Affected
Government Code § 12950.1 (new).
AB 1825 (Reyes); 2004 Stat. ch. 933.

I. INTRODUCTION

According to the Equal Employment Opportunities Commission (EEOC),[1] there has been a 150% increase in sexual harassment charges filed since 1992.[2] Since 2000, the EEOC has handled more than 25,000 sex discrimination charges, which include claims of sexual harassment.[3] Although sexual harassment is illegal under both state and federal laws, studies have shown that over fifty percent of workers have been sexually harassed on the job.[4] In addition to the rising number of sexual harassment lawsuits, the amount awarded in damages has risen, too.[5]

Medium-sized and small companies appear to be more vulnerable to sexual harassment problems because they often do not have the preventative training programs available at larger firms, but the costs of preventing sexual harassment are significantly less than the costs of resolving such claims.[6] Furthermore,

---

1. U.S. EQUAL EMPLOYMENT OPPORTUNITIES COMM'N, MILESTONES IN THE HISTORY OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, *at* http://www.eeoc.gov/abouteeoc/35th/milestones/index.html (last visited Nov. 15, 2004) (on file with the *McGeorge Law Review*). U.S. Congress established the U.S. Equal Employment Opportunity Commission (EEOC) in 1965 to enforce Title VII of the Civil Rights Act of 1964. *Id.*

2. Jim Mulligan & Norman Foy, *Not in My Company: Preventing Sexual Harassment*, INDUS. MGMT. Sept. 1, 2003, at 26.

3. Arthur V. Lambert, *The Best Defense, Insurers Should Work With Clients to Reduce Risks of Sexual Harassment Claims*, BEST'S REV., Apr. 1, 2004, at 73, *available at* 2004 WL 65476506.

4. Mark D. Bernstein & L. Dew Kaneshiro, *Why Adopt a Sexual Harassment Policy?*, HAWAII B.J. 16 (1994) (citing several studies)

> A U.S. Merit System Protection Board study [in which] 42% of female federal workers and 14% of male workers reported experiencing persistent unwanted sexual attention, 60% of the respondents to a 1992 Working Woman reader survey disclosed that they had been sexually harassed on the job . . . [and] in a 1989 National Law Journal/West Publishing Company survey of women in the nation's large law firms, 60% of the responding partners and associates reported that they had been subjected to sexually harassing behavior by partners, colleagues, or clients.

Id.

5. *Stay Out of Rising Litigation Tide by Implementing Strong Policies, Training*, HR ON CAMPUS, June 25, 2004 [hereinafter HR ON CAMPUS] (on file with the *McGeorge Law Review*) (noting "the median jury award in employment cases increased from 128,000 in 1995 to 200,000 in 2002).

6. *See* Lambert, *supra* note 3, at 73 (stating that "sexual harassment costs a typical Fortune 500 company

preventing sexual harassment from occurring may often be much less time consuming than investigating or litigating sexual harassment claims.[7] In the EEOC's Guideline on Sexual Harassment, the Commission advises, "prevention is the best tool for the elimination of sexual harassment."[8] According to attorney and risk manager for United Educators insurance company, Frank Vinik, "training is the key, and your goal should be to have 90 percent of employees trained in all kinds of harassment and discrimination."[9]

Chapter 933 increases the sexual harassment training requirements for supervisory employees of employers with fifty or more employees, requiring a minimum threshold for training to prevent and correct sexual harassment and discrimination.[10]

II. LEGAL BACKGROUND

A. *Existing Law in California*

Under the Fair Employment and Housing Act (FEHA), existing California law makes it unlawful for "an employer, supervisor, or its agents, to harass an employee because of race, religious creed, color, national origin, ancestry, marital status, sex, age, or sexual orientation."[11] Employers may also be held liable for sexual harassment conducted by non-employees if the employer knew or should have known about the incident and failed to take corrective action.[12] According to the FEHA's definition, sexual harassment includes verbal harassment, physical harassment, visual harassment, unwanted sexual harassment by the person of the same sex, and harassment based on a pregnancy disability.[13]

Existing law further requires employers to take certain minimum measures to ensure the workplace is free of sexual harassment, such as posting sexual harassment information posters at the workplace, and obtaining and making

---

$6.7 million a year, or $282 an employee, while meaningful preventative steps costs only $200,000, or $8 an employee).

7. *See* Rebecca J. Wilson, *How to Prevent Sexual Harassment Claims in Your Own Backyard*, 63 DEF. COUNSEL J. 237 (1996) (stating that "mandatory education and training for all employees, particularly supervisors, concerning sexual harassment . . . in the workplace" is a effective preventative tool against sexual harassment litigation).

8. *Id.*

9. *See* HR ON CAMPUS, *supra* note 5 (stating that following Vinik's advice may prevent lawsuits and minimize damage awards).

10. ASSEMBLY COMMITTEE ON THE JUDICIARY, COMMITTEE ANALYSIS OF 1825, at 2, 4 (Apr. 20, 2004).

11. SENATE COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ANALYSIS OF AB 1825, at 1 (June 23, 2004); *see also* CAL. GOV'T CODE § 12940(a) (West 2004).

12. SENATE COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ANALYSIS OF AB 1825, at 1 (June 23, 2004); *see also* CAL. GOV'T CODE § 12940(j)(1) (West 2004).

13. SENATE COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ANALYSIS OF AB 1825, at 1 (June 23, 2004).

available to their employees an information sheet on sexual harassment.[14] Current California law mandates sexual harassment training in the workplace for city police departments, county sheriffs' departments, districts, and state university departments.[15]

B. Recent Legislation in California Regarding Sexual Harassment

In 2000, the California Legislature, in response to the California Supreme Court's ruling in *Carrisales v. Department of Corrections*,[16] passed chapter 1047.[17] Chapter 1047 creates personal liability for employees of any entity covered by the FEHA, regardless of whether the employer knows or should have known of the conduct and fails to take immediate, corrective action.[18] Chapter 671, written by Assembly member Ellen Corbett in response to the court's ruling in *Salazaar v. Diversified Paratransit, Inc.*,[19] amends FEHA, prohibiting sexual harassment of an employee in the workplace by a person other than an employee, agent, or supervisor of the employer.[20] Chapter 164 expands the prohibition on sexual harassment under the FEHA to include gender in the definition of sex.[21]

---

14. ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT, COMMITTEE ANALYSIS OF AB 1825, at 1 (May 20, 2004); *see also* CAL. GOV'T CODE § 12940(K) (West 2004) (prohibiting "an employer . . . to fail to take all reasonable steps necessary to prevent discrimination and harassment from occurring"). The Department of Fair Employment and Housing (DFEH) is required to amend, and distribute to employers, its current poster on discrimination to include information relating to the illegality of sexual harassment. Employers are also required to obtain from the department an information sheet on sexual harassment, unless the employer provides equivalent information including a minimum of specifically enumerated information. *Id.* § 2950(a)-(c).

15. CAL. GOV'T CODE § 13519.7 (a)-(c) (West 2004) (requiring law enforcement officers' basic training to include instruction on sexual harassment in the workplace by January 1, 1995, and for officers who received basic training prior to January 1, 1995, to receive supplementary training on sexual harassment in the workplace, by January 1, 1997).

16. 21 Cal. 4th 1132, 988 P.2d 1083 (1999).

17. ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT, COMMITTEE ANALYSIS OF AB 1825, at 3 (May 20, 2004).

18. *See id.* (citing AB 1856 (Kuehl), Chapter 1047 of 2002, in describing other legislation regarding sexual harassment in the workplace); *see also* Linda Shostak, *California Supreme Court Provides New "Defense" for Sexual Harassment Claims*, MONDAQ BUS. BRIEFING, Jan. 13, 2004, *available at* 2004 WL 69982152 (stating that AB 1856 was the Legislature's response to the court's ruling in *Carrisales*, making employees personally liable for their harassment").

19. Salazaar v. Diversified Paratransit, Inc., 103 Cal. App. 4th 131, 126 Cal. Rptr. 2d 475 (2002); *see also* Amanda Bronstad, *Judges Add Shield For Workers Who Suffer Harassment*, LOS ANGELES BUS. J., Apr. 19, 2004, at 1 (stating that in *Salazaar*, the 2nd Appellate District reversed its holding "that employees who sexually harassed clients or other non-employees couldn't hold their employers liable for the actions").

20. ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT, COMMITTEE ANALYSIS OF AB 1825, at 3 (May 20, 2004) (citing AB 76 (Corbett), Statutes of 2003, Chapter 671, in describing other legislation regarding sexual harassment in the workplace); *see also* Shostak, *supra* note 18 (stating that AB 76 was the Legislature's prompt response to the Court of Appeal decision in *Salazaar* that the FEHA did not create employer liability for acts of a non-employee client or customer who harasses an employee).

21. *See* Lou Hirah, *New Year to Bring New Labor Laws*, THE DESERT SUN (Palm Springs, Cal.), Dec. 31, 2003, at E1, *available at* 2003 WL 6783859 (stating that under this definition, employees who prefer cross-dressing to "appear or dress consistently with their gender identity" will not face discrimination).

C. Federal Statutory Provisions Concerning Sexual Harassment

The major federal legislation pertaining to sexual harassment is Title VII of the Civil Rights act of 1964,[22] which applies to organizations with 15 or more employees.[23] Although Title VII does not specifically mention the term "sexual harassment," the United States Supreme Court has ruled that sexual harassment is a form of gender discrimination,[24] which is prohibited under the law.[25] Under federal law, sexual harassment may be verbal, physical, written, or visual, including pressure for sexual favors in exchange for preferential treatment on the job.[26]

D. Case Law Regarding Sexual Harassment

Following the United States Supreme Court ruling in *Meritor Savings Bank FSB v. Vinson*,[27] the EEOC issued its Policy Guidance on Current Issues of Sexual Harassment, including advice to employers that in implementing "an effective preventive program, [employers should] include an explicit policy against sexual harassment that is clearly and regularly communicated to employees . . . and should affirmatively raise the subject with all supervisory and non-supervisory employees."[28]

Recently, in *Pennsylvania State Police v. Suders*, the United States Supreme Court issued a decision clarifying sexual harassment law on employer liability for a hostile work environment created by a supervisor.[29] The Court held that a constructive discharge constitutes a "tangible employment action" for the purposes of a Title VII supervisor harassment claim.[30]

In November of 2003, the California Supreme Court confirmed the strict liability of employers for the existence of a hostile work environment in its ruling in *Department of Health Services v. Superior Court*.[31] However, if the damages

---

22. 42 U.S.C.A. § 2000e (West 2004); *see also* Wilson, *supra* note 7, at 237 (explaining that "workplace sexual harassment claims are brought under Title VII of the Civil Rights Act of 1964 . . . which makes it an unlawful employment practice for an employer to discriminate with respect to sex").

23. Mulligan & Foy, *supra* note 2, at 26.

24. *See* Meritor Savings Bank FSB v. Vinson, 477 U.S. 57 (1986) (stating that a claim of hostile environment sexual harassment is a form of gender discrimination under the Title VII employment discrimination statute).

25. Mulligan & Foy, supra note 2, at 26.

26. Kenneth M. Baylor, *Cutting it Off at the Pass*, WASTE AGE, Oct. 1, 2003, at 32, *available at* 2003 WL 111093434.

27. Meritor Savings Bank FSB v. Vinson, 477 U.S. 57 (1986).

28. Wilson, *supra* note 7, at 237.

29. 542 U.S. 129, 140 (2004) (granting certiorari to resolve a split among the circuits regarding "whether a constructive discharge brought about by supervisor harassment ranks as a tangible employment action" precluding the assertion of the affirmative defense under *Ellerth/Faragher*).

30. *Id.*

31. State Dep't of Health Servs. v. Superior Court, 31 Cal. 4th 1026, 79 P.3d 556 (2003).

could have been avoided by the employee promptly notifying the employer of the harassment, the court recognizes a potential bar to the damage recovery that might otherwise have been afforded the plaintiff.[32]

The catalyst for the interest in this potential defense under the FEHA for employers began in federal law with *Burlington Industries, Inc. v. Ellerth*[33] and *Farragher v. City of Boca Raton.*[34] In these cases, the United States Supreme Court held that an employer has an affirmative defense in hostile work environment sexual harassment cases, which do not involving tangible employment action, under Title VII of the Civil Rights Act of 1964. They must show that (1) they exercised reasonable care to prevent and correct and sexually harassing behavior and (2) that the plaintiff unreasonably failed to avoid harm by taking advantage of the corrective and preventative measures provided by the employer.[35] Although the court in *State Department of Health Services* held that under the FEHA employers are strictly liable for all acts of sexual harassment by a supervisor,[36] the court also indicated that the doctrine of avoidable consequences might reduce damages, although this defense may not be used to bar liability.[37]

In another California Supreme Court case, *Carrisales v. Department of Corrections*,[38] the Court ruled that non-supervisory employees could not be personally liable to a co-worker for his or her harassment, but the employer could be held liable under a negligence standard.[39] However, chapter 1047 changed state law regarding this issue.[40]

E. Similar Legislation in Other States Regarding Sexual Harassment Training

Several states currently have existing statutes requiring sexual training similar to that proposed under Chapter 933. Under current Connecticut law, which California's Chapter 933 is modeled after,[41] the state's Commission on Human Rights and Opportunities has the power and duty to require employers of fifty or more employees to provide at least two hours of training and education to

---

32. Shostak, supra note 18.

33. Burlington Indus., Inc. v. Ellerth, 524 U.S. 742 (1998).

34. Faragher v. City of Boca Raton, 524 U.S. 775 (1998).

35. *See* Shostak, supra note 18 (discussing developments in federal case law in a article regarding the California Supreme Court decision in *State Department of Health Services v. Superior Court*).

36. *State Dep't of Health Services*, 31 Cal. 4th at 1042, 79 P.3d at 563.

37. Shostak, supra note 18.

38. Carrisales v. Department of Corrections, 21 Cal. 4th 1132, 988 P.2d 1083 (1999).

39. *See* Shostak, supra note 18 (stating that the employer could be held liable if they knew or should have known of the harassment and did nothing).

40. *See supra* Part II.B (discussing chapter 1047 as legislature's response to the ruling in *Carrisales*).

41. ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT, COMMITTEE ANALYSIS OF AB 1825, at 1 (May 20, 2004).

their supervisory employees by October 1, 1993.[42] Maine law also requires certain employers to provide education and training with regard to sexual harassment.[43] In Vermont, current law encourages employers to provide education and training to all current employees and new employees on information regarding sexual harassment.[44]

III. CHAPTER 933

Chapter 933 adds several new requirements under the FEHA for employers with fifty or more employees.[45] This law requires employers with more than fifty employees to provide two hours of training and education regarding sexual harassment, once every two years, to all supervisory employees.[46]

A. Training and Education Required to be Provided by January 1, 2006.

Chapter 933 requires employers with more than fifty employees, to provide two hours of training and education to supervisory employees, within one year of January 1, 2005, unless the employer has provided sexual harassment training and education to employees after January 1, 2003.[47]

B. Effect of Compliance on Employer Liability

Chapter 933 would not result in the automatic liability of an employer for sexual harassment when there is a claim that the training and education did not reach a particular individual.[48] Conversely, the statute does not insulate the

42. CONN. GEN. STAT. ANN. § 46a-54(15)(B) (West 2004) (requiring training to include "information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment").

43. ME. REV. STAT. ANN. tit. 26, § 807(3) (West 2004) (requiring employers with workplaces having fifteen or more employees, to conduct an education and training program for all new employees, including at a minimum: the definition of sexual harassment under specified state and federal statutes; a description of sexual harassment; the internal complaint process available to the employee; and the complaint process available through the state commission).

44. VT. STAT. ANN. Tit. 21, § 495h (2004) (recommending employers to provide training and education on sexual harassment, including, a description and examples of sexual harassment, the complaint process of the appropriate state and federal employment discrimination employment agencies, and the range of consequences for employees who commit sexual harassment).

45. CAL. GOV'T CODE § 12950.1 (added by Chapter 933).

46. SENATE COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ANALYSIS OF AB 1825, at 2 (June 23, 2004).

47. ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT, COMMITTEE ANALYSIS OF AB 1825, at 1 (May 20, 2004).

48. SENATE COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ANALYSIS OF AB 1825, at 2 (June 23, 2004).

employer from liability for sexual harassment of any current or former employee or applicant by merely complying with the statute.[49]

C. State Agencies Required to Incorporate the Existing Training

Chapter 933 requires the state to use existing resources to incorporate the required training into the eighty hours of training provided to all supervisory employees under existing law.[50]

D. Establishes a Minimum Threshold for Training and Education

Chapter 933 permits employers to provide training and education beyond the minimum threshold established by this statute to prevent and correct sexual harassment and discrimination.[51]

E. Consequences of Non-Compliance

Chapter 933 provides that the EEOC shall issue a cease and desist order to employers who fail to provide the minimum training required under the law.[52]

IV. ANALYSIS OF CHAPTER 933

A. The Purpose of Chapter 933

According to the sponsor of this bill, Chapter 933 require employers of fifty or more employees to provide supervisory employers with education and training concerning the illegality of sexual harassment and the remedies available to victims of sexual harassment once every two years.[53] It also requires the State of California to use existing resources to incorporate this training into the eighty hours of training already provided to all new supervisors.[54]

---

49. *Id.*

50. *Id.*

51. *Id.*

52. *Id.*; *see also* ASSEMBLY COMMITTEE ON JUDICIARY, COMMITTEE ANALYSIS OF AB 1825, at 2 (Apr. 20, 2004) (stating that the proposed bill "provides that the Fair Employment and Housing Commission shall issue an order requiring compliance if an employer violates the foregoing requirements").

53. OFFICE OF ASSEMBLY MEMBER SARAH REYES, AB 1825 FACT SHEET ON AB 1825, SEXUAL HARASSMENT TRAINING (July 16, 2004) (received from Rod Brewer, Legislative Director, Assembly Member Sarah Reyes) [hereinafter FACT SHEET] (on file with the *McGeorge Law Review*).

54. *Id.*

B. The Fiscal Effect of Chapter 933

There are differing estimates of the state and local government costs associated with the implementation of Chapter 933. The Senate Appropriations Committee Fiscal Summary predicts the fiscal impact of Chapter 933 on the state to be $750,000 to $1,000,000 annually beginning in 2005-06, and the costs for local governments is predicted to be in excess of $2,000,000 annually beginning in 2005-06.[55] According to the state Department of Personnel Administration (DPA) estimations, it would cost the State of California $1.5 to $2 million every two years to implement this requirement for estimated 25,000 supervisors and 500 managers, beginning in 2004-05, and governments would spend approximately $5 million every two years to implement this requirement.[56]

C. In Support of Chapter 933

Citing the 4,231 cases of sexual harassment filed with the DFEH during the 2002-03 fiscal year, proponents of Chapter 933 argue that this law is necessary in addition to the current laws to prevent sexual harassment.[57] Furthermore, the average cost to a Fortune 500 company for indirect sexual harassment costs is $6.7 million dollars per year.[58] Supporters of this law assert that it "represents a pro-active approach to reducing sexual harassment," which, according to supporters, remains a major problem in the workplace.[59] Supporters argue that many legally sophisticated businesses, both large and small, provide sexual harassment training to all employees as a prudent practice under existing law.[60] The American Federation of State, County, and Municipal Employees (AFL-CIO) favors Chapter 933 because it ensures that employees are informed about their rights regarding sexual harassment.[61]

---

55. SENATE APPROPRIATIONS COMMITTEE, FISCAL SUMMARY OF AB 1825, at 1 (July 19, 2004).

56. ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT, COMMITTEE ANALYSIS OF AB 1825, at 2 (May 20, 2004).

57. *Id.* at 3 (stating that sexual harassment cases filed with DFEH total twenty-two percent of all cases at DFEH).

58. SENATE COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ANALYSIS OF AB 1825, at 2 (June 23, 2004).

59. *Id.*

60. ASSEMBLY COMMITTEE ON JUDICIARY, COMMITTEE ANALYSIS OF AB 1825, at 1 (Apr. 20, 2004); *see also* FACT SHEET, *supra* note 53 (citing a Hartford Business Journal article from July 23, 2001). "Most legally sophisticated companies provide such training to all supervisory and non-supervisory employees. That's the smart thing for small and large employers to do to minimize their legal exposure to [sexual harassment] claims." *Id.*

61. ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT, COMMITTEE ANALYSIS OF AB 1825, at 3 (Mar. 31, 2004).

D. Opposition to Chapter 933

Opponents to Chapter 933 argue that the "one-size-fits all" approach is inappropriate because it over-emphasizes quantity over quality.[62] They assert that the bill would force many employers to hire outside consultants to develop the mandated training.[63] Additionally, opponents argue that during a time when companies already have difficulty affording "high cost mandated programs," this additional cost of doing business would be difficult for many companies.[64] Furthermore, opponents worry that this law will set a precedent that employers will be required to repeat employee training each time a new law regarding employee training is passed.[65] In opposition to the bill, the California Chamber of Commerce wrote that employers who employ between 50 to 100 employees do not have the in-house training staff to accommodate the bill's requirements.[66] Another opponent to the bill, the California Employment Law Council (CELC), argues that defining which employees are supervisory is an issue that is unclear and frequently debated.[67]

V. CONCLUSION

Chapter 933 follows the state of Connecticut's pro-active approach in reducing sexual harassment by requiring employers with more than fifty employees to provide sexual harassment training to their supervisory employees concerning the illegality of sexual harassment and the available remedies to victims of sexual harassment.[68] Although current law in California states that employers must provide a workplace free from sexual harassment,[69] in the 2002-03 fiscal year, 4,231 sexual harassment cases were filed with the DFEH.[70] Several other states have already passed legislation requiring or recommending companies to provide training to their supervisory employees regarding sexual

---

62. ASSEMBLY COMMITTEE ON JUDICIARY, COMMITTEE ANALYSIS OF AB 1825, at 1 (Apr. 20, 2004).

63. *See* SENATE COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ANALYSIS OF AB 1825, at 3 (June 23, 2004) (stating the rationale of opponents to AB 1825 that "an additional two hours of training that is specifically targeted at sexual harassment" would "add more cost and workplace disruption for little or no gain").

64. *See id.*; *see also* ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT, COMMITTEE ANALYSIS OF AB 1825, at 4 (Mar. 31, 2004) (listing the California Chamber of Commerce's argument against the bill, "adding another cost of doing business . . . will be difficult for employers at a time when they are paying increased worker's compensation and unemployment insurance").

65. SENATE COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ANALYSIS OF AB 1825, at 3 (June 23, 2004).

66. ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT, COMMITTEE ANALYSIS OF AB 1825, at 4 (Mar. 31, 2004).

67. *Id.*

68. FACT SHEET, *supra* note 53.

69. CAL. GOV'T CODE § 12940 (West 2004).

70. FACT SHEET, *supra* note 53.

harassment.[71] In California, several public agencies are required under current law to provide such training.[72] While the only consequence for violations of this statute is a cease and desist order from the DFEH Commission,[73] increasing employee awareness of sexual harassment and the remedies available to victims of sexual harassment[74] should decrease the incidences of sexual harassment in the workplace.[75]

71. *See supra* Part II.E (discussing legislature in other states, regarding employee training on sexual harassment).

72. *See supra* Part II.A (discussing current California law regarding mandatory sexual harassment training in several public agencies).

73. SENATE COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ANALYSIS OF AB 1825, at 2 (June 23, 2004).

74. ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT, COMMITTEE ANALYSIS OF AB 1825, at 2 (Mar. 31, 2004).

75. ASSEMBLY COMMITTEE ON JUDICIARY, COMMITTEE ANALYSIS OF AB 1825, at 1 (Apr. 20, 2004).